



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF RESPONSE & RESTORATION
COASTAL PROTECTION & RESTORATION DIVISION
8800 Cal Center Drive
Sacramento, CA 95826

March 31, 2006

Mr. James Baskin, AICP
Coastal Planner
California Coastal Commission
710 E Street, Suite 200
Eureka, California 95501

Dear Mr. Baskin,

The National Oceanic and Atmospheric Administration (NOAA), Office of Response and Restoration (ORR) received a copy of the document entitled "Rocky Intertidal Environmentally Sensitive Habitat Engineering and Biological Assessment for Appeal No. A-1-FTB-05-053." This document was written by Acton Mickelson Environmental, Inc. and sent to the Coastal Commission on February 6, 2006. The intent of this document is to address information gaps related to protecting the marine coastal environment during clean-up activities at the former Georgia-Pacific Fort Bragg Wood Products Manufacturing Facility.

On behalf of NOAA, the ORR Coastal Protection and Restoration Division (CPRD), is providing comments on this document as a Natural Resource Trustee under authorities contained in the National Contingency Plan (NCP) §300.600, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). NOAA is a co-trustee for natural resources with the State of California, and the Department of the Interior where there are coexisting or contiguous natural resources or concurrent jurisdictions (NCP §300.615).

Pursuant to the NCP, NOAA's designated trust resources include:

- All life stages of coastal fishery resources and migratory fish species throughout their ranges, including rivers, lakes and streams which historically or presently support these species;
- Marine mammals, and federally endangered and threatened species under NOAA's responsibility, including designated critical habitat for those species;
- Tidal wetlands, salt marshes, estuaries, and other important habitats supporting coastal resources; and
- All resources within the boundaries of the National Marine Sanctuaries and National Estuarine Reserves.

In addition to CPRD, the NOAA National Marine Fisheries Service reviewed this document and provided comments related to protection of Pacific harbor seals



(*Phoca vitulina richardsi*). The NMFS comments may be found in comment number 5.

Comments

1. Based on the information provided in this document, NOAA is concerned that releases from the site to the marine environment have already occurred. Evidence of storm water runoff, surficial creep of soils on the bluff, collapsed sea caves, and gullies incised into the sea cliff which were created by water flow and slope failure are indicative of pathways for release of contamination into the marine environment. NOAA requests that Georgia-Pacific, Acton Mickelson, and the Regional Water Quality Control Board propose a plan to evaluate potential impacts to the near-shore marine environment from releases of contaminants from the site. To our knowledge, no evaluation of the near-shore marine environment has been planned despite the acknowledgement in other site-specific remedial documents that releases to the marine environment occurred from Georgia-Pacific activities during the operation of the facility.
2. This document should provide more details related the Best Management Practices (BMPs) that will be followed to protect the marine environment. The document currently lists 7 different work plans and appendices which contain BMPs for activities at the site. To facilitate implementation of the BMPs, all appropriate BMPs should be collected into a single document or reference in order to ensure that all proposed BMPs are properly identified, organized, and are easily accessible for implementation.
3. Excavation activities are proposed to be conducted between April 15 and October 15. This window of opportunity also coincides with the breeding and nesting season of several different avian species.
4. The document cites the "Marine Mammal Act (MMA) of 1972". This act is actually titled the Marine Mammal Protection Act (MMPA). The text should be corrected to reflect the proper name of this law.
5. As stated in the document, Pacific harbor seals (*Phoca vitulina richardsi*) are known to use the rocky areas and reefs located just off the coast near the proposed project area. On pages 9 and 10 of the document, monitoring and mitigation measures for marine mammals are listed, as well as a description of mitigation measures to address seals flushing from project activities. Under the MMPA, it is illegal to "take" a marine mammal without prior authorization from the National Marine Fisheries Service (NMFS). "Take" is defined as harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture, or kill any marine mammal. "Harassment" is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild, or has the potential to disturb a marine mammal in the wild by causing disruption of

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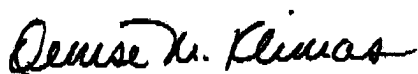
behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. Based on the information provided in this document, and the potential for the project activities to disturb marine mammals during feeding and sheltering, it may be necessary to acquire an Incidental Harassment Authorization from NMFS under the MMPA for the proposed project activities. Please contact Monica DeAngelis at 562-980-3232 or Monica.DeAngelis@noaa.gov for additional information regarding the steps necessary to protect marine mammals during the proposed remedial activities.

Conclusion

NOAA appreciates the opportunity to provide comments to you as a Natural Resource Trustee for marine and estuarine resources. As a Natural Resource Trustee for marine and estuarine resources under CERCLA, NOAA is concerned about the loss or injury to coastal resources and the services those resources provide to wildlife and the public. As part of the trust responsibility, NOAA seeks, on behalf of the public, to restore resources that have been injured by releases of contamination to the marine environment. NOAA would like to reiterate the importance of evaluating potential releases of contaminants into the marine environment from the Georgia-Pacific site. Contaminants released into the marine environment from past and potentially current site activities may impact not only the benthic community which forms the basis of the food chain, but may impact other coastal resources such as marine invertebrates, marine mammals, fish, and avian receptors. Potential losses or impairment of these biological resources in turn has the potential to impact human uses and the benefits provided by this coastal environment.

If you need clarification of any comment or would like further information and assistance, please feel free to contact me at (916) 255-6686, or Denise.Klimas@NOAA.gov.

Sincerely,



Denise M Klimas
NOAA Coastal Resources Coordinator
Office of Response and Restoration

Cc: Monica DeAngelis, NMFS
Dan Welsh, USFWS
Julie Yamamoto, CA F&G
Steve Koyasako, Cal/EPA, Chief Counsel

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Craig Hunt, North Coast RWQCB
Julie Raming, Georgia-Pacific Corporation
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